

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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KEVIN JULIAN RIZZI,

Petitioner,

v.

CLARK COUNTY DETENTION CENTER,

Respondent.

Case No. 2:24-cv-01831-RFB-EJY

**ORDER**

This is a habeas corpus action, pursuant to 28 U.S.C. § 2241, initiated by Kevin Julian Rizzi. On September 30, 2024, the Court received Rizzi's *pro se* petition for writ of habeas corpus. ECF No. 1-1. The petition was not filed, however, and it has yet to be screened pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, because Rizzi has not paid the \$5 filing fee and he has not been granted *in forma pauperis* status.

After Rizzi submitted his habeas petition, the Court sent him a notice containing various information about his case. ECF No. 2. That notice was mailed to Rizzi at the Clark County Detention Center, where Rizzi alleged he was incarcerated. See ECF Nos. 1, 4. However, that mailing was returned to the Court, undelivered, with the notation: "Return to Sender, Attempted – Not Known, Unable to Forward." ECF No. 4. Rizzi will be required to file a notice providing his correct mailing address. See Local Rule LR IA 3-1.

On October 7, 2024, Rizzi filed an Application to Proceed *in Forma Pauperis*, along with a Memorandum of Points and Authorities containing argument regarding his petition. ECF Nos. 3, 3-1. Under his signature on the memorandum of points and authorities, Rizzi included an address not previously provided to the Court. ECF No. 3-1 at 4. That address is not at the Clark County Detention Center, and it does not otherwise appear to be a location where Rizzi would be incarcerated. See id.

1 The *in forma pauperis* application will be denied. It is on a form meant to be used by an  
2 incarcerated individual; it appears Rizzi is no longer in custody. See ECF No. 3-1 at 4. And, at any  
3 rate, the application is not signed by an authorized jail officer. See ECF No. 3 at 4. The Court will  
4 set a deadline for Rizzi to pay the \$5 filing fee or file an appropriate, complete *in forma pauperis*  
5 application, using the correct form (available from the Clerk's Office).

6 This case will be dismissed without prejudice if Rizzi fails to comply with any of the  
7 requirements of this order.

8 **IT IS THEREFORE ORDERED** that Petitioner's Application to Proceed *in Forma*  
9 *Pauperis* (ECF No. 3) is **DENIED**.

10 **IT IS FURTHER ORDERED** that Petitioner will have 30 days from the date of this Order  
11 to file a notice notifying the Court of his correct mailing address.

12 **IT IS FURTHER ORDERED** that Petitioner will have 30 days from the date of this Order  
13 to pay the \$5 filing fee for this action or file a new application to proceed *in forma pauperis*.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to mail a copy of this  
15 order to Petitioner at his address at the Clark County Detention Center, and also a copy to Petitioner  
16 at the following address: 3289 Umbria Gardens Ave., Las Vegas, NV 89141.

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18 DATED THIS 7 day of November 2024.

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**RICHARD F. BOULWARE, II,  
UNITED STATES DISTRICT JUDGE**